THE DISPATCH FOUNDED 1850 THE TIMES FOUNDED 1886.

WHOLE NUMBER 16,700.

RICHMOND, VA., TUESDAY, NOVEMBER 29, 1904.

COLLEGES WIN IN GREAT WILL CASE

Faverweather Suit Involved \$2,500,000 and Twenty Schools.

UNIVERSITY OF VIRGINIA INCLUDED

The Decision Will Give About \$100,000 to the School-Contest One of the Most Celebrated in the History of American Jurisprudence.

ut \$40,000 in bequests

Colleges Affected.

held that the Christian religion fleet into the recognized in the charter of that institution; in the Gaines case, that Mrs. Myra Clark Gaines owned large interests in New Orleans real estate; in the Tilden case, that one clay-New York-should have a library in the Fiske-McGraw case, that Cornell University could not take gifts above the limit in its charter; the Vanderbilt and Fair will cases brought some members of each family more than was willed to then; the Leland-Stanford decision affected one university.

But the Fayer-weather contest took a wider range. It affected a large part of the higher educational system of America; dealing with the claims of thirty-six colleges and universities, and with those of ten hospitals.

Array of Counsel.

Array of Counsel.

A case involving such important ques-tions, legal and constitutional, such large interests, and so many claimants, naturally A case involving such important questions, legal and constitutional, such large
interests, and so many claimants, naturally
drow into it not a few counsel, some of
them eminent in the profession. In the
probate contest John E. Parsons and exjudge Arnoux led the array for the exceutors. The late Frederic R. Couder,
of counsel for the United States in the
Behring Sea controversy, and the late
ex-Surrogate Daniel G. Rollins, appearing for the widow and kin in the five
years from 1823 to 1897, in Amherst vs.
Ritch, in the New York State courts,
there were no less than thirty-four sets
of counsel, some for the executors, some
for the twenty colleges others for the
donees under the deed of "gift." Among
these were James C. Carter, leader of the
American bar; Joseph H, Choate, ambasrador to Great Hritain; his brother, exUnited States Judge William G. Choate;
the late Stephen P, Nash, ex-Judge Arnoux, ex-Judge Horace Russell, ex-Judge
Reynolds, of Bropklyn; ex-Judge Stoddard, of Connecticut; John' E. Parsons,
of the New York har; ex-Secretary of
War Eillin Root, the late ex-Governor
Hoadley, of Ohlo; the late General Wager
Swayne, General Woodford, ex-minister
to Spaln; the late Martin W. Cooke, of
Rochester; the late William B. Putney,
James L. Bisbop, William B. Hornblower,
and many other well known men, and obposed to them, for the widow and kinwere the late Colonel B. C. James and
William Blaikle. In the Federal couris,
from 1897 until now, nineteen sets of counsel appeared for the executors and colleges, while Roger Sherman and William
Blaikle protected fine Interests of the
widow and next of kin; alded for the law
ihree years by ex-Ciller Judge Charles
Andrews, of the New York Court of Ap-

JAPS REPULSED WITH HEAVY LOSS

Russian Report Says At tack on Port Arthur was Dismal Failure

THREE DAYS' FIGHT AROUND DA PASS

Kuropatkin Reports Activity on Left Flank and an Early Engagement Is Regarded as Likely-The Japs May Attack at Any

office has received information from

Fighting at Da Pass.

WITH THE RUSSIAN FORCES AT

Expect Big Fight.

PETERSBURG, November 28.—Gei

Japanese Checked.

DEWEY DECLINES.

Admiral Will Not Become a Member of North Sea

Admiral Dewey has declined to be a member of the international commission of inquiry into the firing by Russian warships on Ballic fishers in the North Sea. On account of his rank as a full admiral, he doubtless would be made chairman of the commission. In that capacity he would have to decide the votes, and virtually would be referee, as the Russian and French commissioners are expected to stand together. His decision on disputed points, he thinks, would be re-

(Continued on Third Page.)

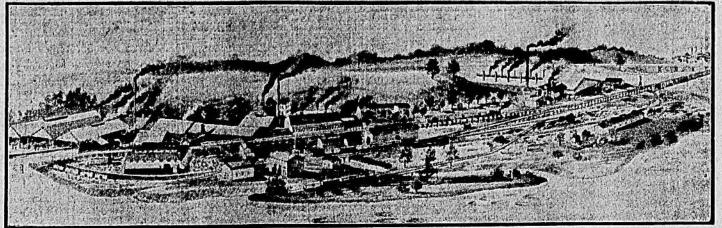
LOUISVILLE PRAYING FOR END OF DROUGHT

People Are Suffering. Rain Promised.

(By Associated Press.)
LOUISVILLE, KY., November 28.—The record breaking drought in Kentucky is beginning to decrease the milk supply in Louisville. Several dairies have put their customers on half allowance and confectioners are unable to secure enough milk for use in making certain kinds of candy. A number of distillers have suspended operations until rain falls. In a number of small places the citizens are buying water, and farmers are compelled in many instances to drive stock several in many instances to drive stock several miles to water. For more than a month, the Southern Railway has been hauling to its shotbyrille tanks, and for the past three weeks it has been hauling ten carloads of water a day. Freight engines running between Lawrenceburg and Lexington and Lawrenceburg and Burgen, are carrying double water tanks. All the freight engines on the Chesapeake and Ohio Railroad have been currying two tanks for several weeks.

In many churches yesterday prayers were offered for rain and to-day the weather bureau smounces a possibility of showers within forty-eight hours.

OLD DOMINION IRON AND NAIL WORKS ACQUIRED BY GOULD.



RUSSIA WILL

Lamsdorff Accepts Invitation to Agree on Arbitration Plan With United States.

ACTION A GREAT SURPRISE

Rapproachment Expected to Have Splendid Effect on Russo-American Relations.

Russia has accepted the invitation of th

approached with a direct propo sition did not leak out until Count Lams

dorff had accepted it.

The rapproachment is expected to have a splendid effect on Russo-American relations, especially as it marks Russia!

first adherence to an arbitration treat; with a foreign power.

AMERICAN MEMBER OF COURT OF INQUIRY

SHIP QUARANTINED IN HAVANA HARBOR

ship Duguay Troin arrived here with ship Duguay Troin arrived here with a fever case on board. Examination by the port health officers developed suspicion of yellow fever, and the ship was quarantined and ordered to undergo fumigation. The patient, who is a midshipman, was surrounded by mosquito hars and taken ashore to the detention hospital. The school ship sailed from Fort de France, Martinique, on November 22d, and had not touched at any intermediate ports. The crew numbers five hundred.

BARON INCENSED AT 'GROSS EXAGGERATION'

Milk Supply Giving Out and But Head of the Rothschilds Nevertheless, Declined to Make Statement.

> (By Associated Press.)
> LONDON, November 28.—Lord Rothschild when questioned by a representative of the Associated Press to-day, regarding the alleged embezzlement \$5,000,000 by Moses Bluementhal, said to have been head of the bullion department of the London house of the Rothschilds, was incensed at what he termed 'such gross exaggeration." but otherwise declined to discuss the matter. The defalcations occurred in July not a few weeks ago as cabled to the United States, and it was stated at the time that the short-age was in the neighborhood of \$160,000. The whole matter was settled privately shortly after the embezzlement was dis-covered.

HUSBAND OF MADAME SCHUMANN-HEINK DEAD

(By Associated Press.) BERLAN, November 38-Paul Schu-mann, husband of Mine. Ernestine Schu-mann-Heink, the opera singer, died to-day at his home in Saxony.

CRUISER SEIZES AMERICAN CRAFT

Canadian Warship Picks Up Ten Fishing Vessels for Alleged Violation of Law.

ALL FINES WILL BE PAID

Matter Will Probably be Disposed of Without Causing International Complications.

GENERAL JACOBS COXEY GOES INTO BANKRUPTCY

Coxey and Selica Sand Company in the hands of a receiver.

RESTORE CHANNEL AT SEWALL POINT

the channel at Sewall Point, harbor of Norfolk. This allotment is an addition to an unexpended balance of \$20,000 from the River and Harbor act of 1902.

Cotton Smith, rector of St. John's Eight Church.

Dead on the Track.

SARCASTIC REPLY SENT BY VARDAMAN

President's Compliment Excites Wrath of Governor of Mississippi.

(By Associated Press.)

JACKSON, MISS., Nov. 28.—Governor Vardaman to-day received a telegram from President Francis, of the World's Fair, stating that President Roosevelt had visited and greatly admired the Mississippi building, while at the Fair Saturday. The Governor wired reply containing the followins:

"It is, of course, gratifying to the people of Mississippi to know that they have done one thing that the President of the United States approves. Doubtiess the President's admiration of the Mississippi building is due to his admiration of Jefferson Davis, of whose last home it is a replica."

WANT HELP TO-DAY.

The 67 advertisements for help published in today's Times Dispatch on page 10 are as follows: 37 Salesmen.

4 Agents, 3 Office, 9 Trades, 9 Miscellaneous. 2 Domestics. 9 7 Professional. This not only interests those out of work, but those desiring to improve their positions as well.

MUCH DEJECTED RETURNS TO CELL

Tombs to Await Beginning of New Trial.

JURY HAS BEEN DISCHARGED

Illness of Edward Dressler Sucl That He Could Not Serve in the Case.

PUTNEY OFF FOR ST. LOUIS; THE JEWELRY RECOVERED

Campbell-Leiter Nuptials To-day

Poca Hontas, va., nov. 28.—Noah II. Poca Hontas, va., nov. 28.—Noah II. Shumate, aged about 40 years, was found dead on the rairoad about a mile from Pocahontas, Statrday aighti. Ite had been drinking and may have been killed by a train, but some think he was murdered and teft on the track. He was from North Carolina, and had been trucking in this section for several years.

PREACHER IN COURT TRIES TO KILL JUDGE

'I Was a Trifle Nervous," He Said, When Bullet Went Little Astray.

(By Associated Press.) SAN FRANCISCO, November 28.—Rev. Isnac Selby, of Australia, plaintiff, in a damage suit, shot at Superior Judge Hebbard to-day while the latter was on the hench. The builet came within an inch of the judge's head and lodged in the back of his chair. Selby was at once removed to the city prison and charged with an attempt to commit murder,

der, Selby recently was sued for divorce, He conducted his own defense, but was unsuccessful, a decree against him being

unsuccessful, a decree against him being granted.

Judge Hebbard, who issued the decree, was trying a case to-day when Selby arose from a seat in the court room and, fired at the judge, who rushed from the bench and grappled with his assailant, preventing him from firing another shot. For a time great excitement prevailed. When qulet wus restored it was learned that the judge had not been injured.

Before being taken to his cell, Selby said: "I shot at Judge Hebbard because that seems the only way for a man to get justice in this country. My only regret is that I seem to have bunsted matters considerably. My intention was to kill him, but I was a trifle nervous."

IS NOW SPEEDING BACK TO CAPITAL

Mr. Roosevelt, on Way From World's Fair, Makes Addresses to Enthusiastic Crowds.

MEN THROW STONES AT PILOT

Woman in Indiana Who Insisted on Seeing President Placed Under Arrest.

rang the bell and explained to the butrang the bell and explained to the but-ler in broken English after giving him her card, that she had written to the President a week ago that she intended to call upon him during his St. Louis visit and paint his picture on glass. Detective Vichle, of the secret service, selzed and led her down the steps. He sought to persuae her to return to her stopping place but persuasion availed

(Continued on Second Page.)

ERA OF LAWLESSNESS IN AMERICAN CITIES

Judge Speer Says Prevalence of Crime Is Greater Here Than in Europe.

(By Associated Press.)
SAVANNAH, GA., Nov. 28.—Judge
Emory Speer, of the United States District Court in charging the grand jury of that body to-day, referred at great length to what he characterizes as the lawless ness existing in all sections of the country He rages at Statesboro which is in his jurisdiction and suggested that the better class of whites and blacks in the South should hold conferences looking to the enforcement of law and the punishment of the guilty. He severely criticised the Georgia law, which prevents the judge who hears a case from expressing an opinion as to the facts brought out. As to the prevalence of crime Judge Speer compared the large cities of this country with hose in Europe to the detriment of the

Sumner Sails. (By Associated Press)

collon. Nov. 28.—The United States transport Summer sailed for New Or-leans Sunday afternoon.

FRANK J. GOULD BUYS BELLE ISLE

PRICE TWO CENTS.

Millionaire Acquires Controlling Interest in Old Dominion Plant.

ENLARGE WORKS: INCREASE OUTPUT

Much of the Manufactured Product Can be Used by Mr. Gould's Street Railways. Plant Was Established Many Years Before

An Extensive Plant.

is connected. As he is the principal owner of the lines of the Virginia Passenger and Power Company, and alliest trolley lines properties of this city and section, and is identified with extensive rallway interests in various sections of the country, he can operate the plant to great advantage, taking a large proportion of the product for his own use. The purchase of the big plant by the Gould interests may ultimately mean, not merely an enlargement of the output of the works but also a steel plant. While there is no intimation from authoritative sources on this point, the plant is admirably adapted for steel making. The construction of an open hearth sleel plant was a dream of the late Superintendent. Blankenship, whose promising career was cut short by his tragic death last year. Certainly the prospective new owner of the plant has ample capital with which to operate it and as he is buying the works as an investment there is reason to expect that he will greatly revive and expand its scope and products. When Mr. Gould visits this city he will probably outline his plans for the future of the establishment.

SUPPORTS CONTENTIONS OF THE GOVERNMENT

(By Associated Press.) WASHINGTON, D. C., Nov. 28 .-- The

WASHINGTON, D. C., Nov. 28.—The case of the United States vs. F. G. Evans, owner of the British steamship Blackheath, was decided by the Supreme Court of the United States to-day in support of the contentions of the government, thus reversing the decision of the District Court for the Southern District of Alabama. The proceedings against the Blackheath was instituted to collect damages on account of the destruction of a beacon light in Mobile harbor. The querition involved was that of the jurisdiction of the court sitting as an admirally court, which the court sustained,

Judge Freeman Changes.

(Ly Associated Press)

DALLAS, TEX., Nov. 28.—Judge T. J.

Freeman, chief counsel for the Texas and Pacific railroad, resigned to become chief counsel for the "Cotton Belt," with headquarters in St. Louis Judge Freeman's successor has not yet been savenued.